

6. On November 19, 2021, Mr. Salvin filed a motion to compel (ECF No. 22), which contends that Defendants' September 17, 2021 Amended Answers to Interrogatories (ECF No. 22-4 (Exhibit O)) are deficient.

7. Because Mr. Salvin failed to confer before filing the motion to compel, I wrote Mr. Salvin on November 22, 2021, requesting that he withdraw his motion. A copy of this email is included in Exhibit B, which is attached to this declaration.

8. Mr. Salvin did not agree to withdraw his motion.

9. Rather, on November 23, 2021, Mr. Salvin sent me an email, which stated:

"I filed a motion to compel after receiving two deficient attempts by you to respond to my interrogatories, and then you want me to talk at the last minute. For what? You know the information I want. You know your clients have. You know you're withholding it. If you had something to say about the discovery, you could send it to me in email, so I have a record of it. "

A copy of this email is included in Exhibit B, which is attached to this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3, 2021.

s/ David K. Lukmire
David K. Lukmire

EXHIBIT A

Lukmire, David

From: Lukmire, David
Sent: Wednesday, November 17, 2021 1:47 PM
To: Robert F. Salvin
Cc: Centrella, Nicholas
Subject: RE: Miller v. Raines, et al., 21-cv-00338-NIQA (EDPA)

Mr. Salvin,

Before you file any motion, can we set up a call to discuss why you believe our interrogatory responses are insufficient? Hopefully we can avoid motion practice. Let me know when you are available.

David

David Kirkpatrick Lukmire, Esq. | Conrad O'Brien PC
1500 Market Street | Centre Square | West Tower, Suite 3900 | Philadelphia, PA 19102-2100
Phone: 215.523.8314 | Fax: 215.523.9721 | Cell: 347.306.2947 | [Email: dlukmire@conradobrien.com](mailto:dlukmire@conradobrien.com)

From: Robert F. Salvin [<mailto:robert.salvin@outlook.com>]
Sent: Monday, November 15, 2021 1:17 PM
To: Lukmire, David <[Dlukmire@conradobrien.com](mailto:dlukmire@conradobrien.com)>
Subject: Re: Miller v. Raines, et al., 21-cv-00338-NIQA (EDPA)

Would you be amendable to asking for an extension of the discovery deadline? I have to file another motion to compel based on your last answers to interrogatories, so I am going to be asking for an extension. Do you have a position on that?

ROBERT F. SALVIN
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Consumer Protection
Bankruptcy
Civil Rights

EXHIBIT B

Lukmire, David

From: Robert Salvin <Robert.Salvin@outlook.com>
Sent: Tuesday, November 23, 2021 12:17 PM
To: Lukmire, David
Cc: Centrella, Nicholas
Subject: Re: Miller v. Raines, et al., 21-cv-00338-NIQA (EDPA)

I filed a motion to compel after receiving two deficient attempts by you to respond to my interrogatories, and then you want me to talk at the last minute. For what? You know the information I want. You know your clients have. You know you're withholding it. If you had something to say about the discovery, you could send it to me in email, so I have a record of it.

From: Lukmire, David <DLukmire@conradobrien.com>
Sent: Monday, November 22, 2021 11:00 AM
To: Robert Salvin <Robert.Salvin@outlook.com>
Cc: Centrella, Nicholas <NCentrella@conradobrien.com>
Subject: RE: Miller v. Raines, et al., 21-cv-00338-NIQA (EDPA)

Mr. Salvin, we have received your second motion to compel. I asked you last week for a phone call to discuss before filing any motion, yet you filed it anyway – in violation of Rule 37.

Rule 37 requires a “certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.”

Your “certification” does not meet these requirements.

Please withdraw your motion or we will seek appropriate relief from the Court.

Regards,

David